

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division



JAIMEE L. RIGGIN,

Plaintiff,

v.

Civil Action No.: 4:12cv36

7-ELEVEN, INC.,

Defendant.

NOTICE OF REMOVAL

COMES NOW the Defendant, 7-Eleven, Inc. (hereafter "7-Eleven"), by counsel, pursuant to 28 U.S.C. § 1441, and for its Notice of Removal, respectfully represents unto the Court the following:

1. The above entitled action at law has been instituted by Complaint in the Circuit Court for Hampton, ("State Court Action"). The Complaint filed in the State Court Action has not formally been served on the Defendant herein; however on or about February 2, 2012, representatives of this defendant received a "courtesy copy" of the recently filed Complaint. A true and accurate copy of the Complaint filed in the State Court is attached hereto as Exhibit 1 and is specifically incorporated herein by reference. Defendant has accepted service and this Notice of Removal is being filed within thirty (30) days of Defendant 7-Eleven's receipt of the Complaint relating thereto in the State Court Action, whether by service or otherwise.

2. Defendant 7-Eleven entered its appearance in the State Court Action by filing its Answer to the Complaint in the State Court Action on or about March 1, 2012. A true and accurate copy of said Answer is attached hereto as Exhibit 2 and is specifically incorporated

herein by reference. Other than Plaintiff's Complaint and Defendant's Answer, no other pleadings have been filed in the State Court Action.

3. The amount in controversy between the Plaintiff and Defendant exceeds the sum of \$75,000.00, exclusive of interest and costs, as appears by copy of Plaintiff's Complaint (see Exhibit 1).

4. Plaintiff was at the time of the commencement of the State Court Action, and is at the time of the filing of this Notice of Removal, a citizen of the Commonwealth of Virginia.

5. Defendant 7-Eleven is incorporated under the laws of the State of Texas, with its principal place of business in Dallas, Texas. Defendant 7-Eleven is not a citizen of the Commonwealth of Virginia.

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 and said action is, therefore, removable.

7. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and the Clerk of the Circuit Court for Hampton, Virginia, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant 7-Eleven, Inc. gives Notice of Removal and prays that this Court proceeds to hear and determine the matters in controversy between the Plaintiff and Defendant.

Respectfully Submitted,


7-ELEVEN, INC.

By: 
Counsel

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Counsel for Defendant

CERTIFICATE

I hereby certify that a true and accurate copy of the foregoing document was mailed, postage prepaid, this 1st day of March, 2012, to Keith J. Leonard, Esquire, Huffman & Huffman, P.C., 12300 Warwick Boulevard, Newport News, VA 23606, *Counsel for the plaintiff*.



David L. Dayton